

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

EDWARD L. VINSON,

Plaintiff,

v.

**AMERIHOM MORTGAGE
COMPANY, LLC and CENLAR FSB,**

Defendants.

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Civil Action No. 4:22-cv-928

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1332 and 1441, Defendants AmeriHome Mortgage Company, LLC (“AmeriHome”) and Cenlar FSB (“Cenlar”) (collectively “Defendants”) remove this action from the 352nd Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division, and in support thereof would show unto the Court the following:

I. STATE COURT ACTION

1. On September 29, 2022, Plaintiff Edward L. Vinson (“Plaintiff” or “Vinson”) filed his Original Petition, Application for Temporary Restraining Order, Temporary Injunction, Permanent Injunction, and Request for Disclosures (the “Complaint”), styled *Edward L. Vinson v. AmeriHome Mortgage Company, LLC and Cenlar FSB*, Cause No. 352-337284-22, in the 352nd Judicial District Court of Tarrant County, Texas.

2. Pursuant to 28 U.S.C. §1446(d), this Notice of Removal will be filed with the 352nd Judicial District Court of Tarrant County, Texas, and a copy of this Notice of Removal will also be served on all parties. Pursuant to Fed. R. Civ. P. 7.1 and L.R. 81.1, Defendants have

filed contemporaneously with this Notice the civil cover sheet, supplemental cover sheet, state court docket, state court file, and a certificate of interested persons.

3. In the State Court Action, Plaintiff alleges causes of action centered around the foreclosure of the real property commonly known as 4803 Comstock Way, Mansfield, Texas 76063 (the “Property”). Plaintiff brought his lawsuit against Defendants for negligence, violation of the Texas Property Code, and breach of contract.

4. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders, and other papers filed in the 352nd Judicial District Court and obtained by Defendants are attached hereto.

5. In support of this removal and as required by Local Rule 81.1, please find attached as follows:

- Exhibit A:** Index of Matters;
- Exhibit B:** Civil Cover Sheet;
- Exhibit C:** Supplemental Civil Cover Sheet;
- Exhibit D:** State Court Civil Docket Sheet;
- Exhibit E:** State Court File;
- Exhibit F:** Certificate of Interested Parties.

II. TIMELINE FOR NOTICE OF REMOVAL

6. Defendants AmeriHome and Cenlar have not been served in this matter. Less than thirty (30) days have passed since Defendants received unofficial notice of this lawsuit, and thus, removal is timely. 28 U.S.C. §1446(b)(1).

III. BASIS FOR REMOVAL: DIVERSITY JURISDICTION

8. The Court further has original jurisdiction over this action pursuant to 28 U.S.C. §§1332, 1441(a) and (b) because there is diversity among all parties and the amount in controversy is well in excess of \$75,000.00 exclusive of interest, costs, and attorneys' fees.

a. Diversity of Citizenship

9. Based upon Plaintiff's Complaint, Plaintiff Edward L. Vinson is a citizen of Tarrant County, Texas.

10. Defendant AmeriHome Mortgage Company, LLC is a Delaware limited liability company. The citizenship of a limited liability company depends on the citizenship of all its members. *Tewari De-Ox Systems, Inc. v. Mountain States/Rosen, LLC*, 757 F.3d 481, 483 (5th Cir. 2014); *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Amerihome is 100% owned by Western Alliance Mortgage Holding Company, LLC, a Delaware limited liability company. Western Alliance Mortgage Holding Company, LLC is a wholly owned subsidiary of Western Alliance Bancorporation. A corporation is a citizen of the state in which it is incorporated and of the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Western Alliance Bankcorporation is incorporated in Delaware with its principal business located in Phoenix, Arizona. Therefore, Defendant AmeriHome Mortgage Company, LLC is a citizen of Delaware and Arizona for diversity purposes.

11. Defendant Cenlar FSB is a bank chartered in New Jersey with its principal place of business in Ewing, New Jersey. Cenlar's main office, as designated in its registration, is located in New Jersey. Therefore, Cenlar is a citizen of New Jersey for diversity purposes.

12. Plaintiff is a citizen of Tarrant County, Texas, Defendant AmeriHome Mortgage Company, LLC is a citizen of Delaware and Arizona, and Defendant Cenlar FSB is a citizen of

New Jersey, accordingly this lawsuit is between citizens of different states and complete diversity exists among the parties. See 28 U.S.C. §1332(a)(2).

b. Amount in Controversy Exceeds \$75,000.

13. Plaintiff's Complaint specifies that Plaintiff seeks monetary relief more than \$250,000. This alone satisfies the \$75,000 requirement for the amount in controversy. *See* Plaintiff's Complaint at ¶ 35.

IV. VENUE

14. Venue for this Removal is proper in the United States District Court for the Northern District of Texas, Fort Worth Division, because this district and division includes Tarrant County, Texas, which is the location of the pending state court action. 28 U.S.C. §1441(a).

V. CONCLUSION

WHEREFORE Defendants AmeriHome Mortgage Company, LLC and Cenlar F.S.B. remove this action from the 352nd Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

By: /s/ Shelley L. Hopkins
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

VIA ECF:

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ATTORNEYS FOR PLAINTIFF

/s/ Shelley L. Hopkins
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